

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 202

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE STATE FIRE MARSHAL; AMENDING SECTION 41-253, IDAHO CODE, TO PROVIDE FOR STRUCTURES, TO REVISE A REFERENCE, TO PROVIDE FOR ADOPTION OF LATER EDITIONS OF THE INTERNATIONAL FIRE CODE BY THE LEGISLATURE, TO REVISE APPLICABILITY PROVISIONS AND TO PROVIDE FOR ENFORCEMENT ACTIONS BY ASSISTANTS RELATING TO SPECIFIED PROPERTY; AMENDING CHAPTER 2, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-253A, IDAHO CODE, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR THE STATE FIRE MARSHAL; AMENDING SECTION 41-254, IDAHO CODE, TO PROVIDE THAT THE STATE FIRE MARSHAL SHALL HAVE CERTAIN POWERS AND DUTIES OVER BUILDINGS, STRUCTURES AND PREMISES OWNED OR LEASED BY THE STATE OR ITS POLITICAL SUBDIVISIONS AND TO DELETE CERTAIN POWERS AND DUTIES; AMENDING SECTION 41-255, IDAHO CODE, TO PROVIDE THAT THE STATE FIRE MARSHAL SHALL TRANSMIT SPECIFIED ANNUAL REPORTS TO THE GOVERNOR AND LEGISLATURE; AND AMENDING SECTION 41-259, IDAHO CODE, TO REVISE INSPECTION PROVISIONS AND TO PROVIDE THAT COUNTIES AND CITIES MAY CONTRACT WITH THE STATE FIRE MARSHAL TO PROVIDE INSPECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-253, Idaho Code, be, and the same is hereby amended to read as follows:

41-253. STATEMENT OF PURPOSE – ADOPTION OF INTERNATIONAL FIRE CODE. (1) The purpose of sections 41-253 through 41-269, Idaho Code, is to protect human life from fire, and to prevent fires. These sections are intended to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use or occupancy of buildings, structures or premises, ~~and~~. There is hereby adopted the "International Fire Code," 2006 edition, with appendices thereto, published by the International Code Council, Inc. and such later editions as may be so published and adopted by the ~~state fire marshal~~ legislature, as the minimum standards for the protection of life and property from fire and explosions in ~~the state of Idaho~~ or upon buildings, structures and premises owned or leased by the state or its political subdivisions.

(2) Assistants to the state fire marshal, as provided in section 41-256, Idaho Code, shall apply a reasonable interpretation to the International Fire Code as adopted by the ~~state fire marshal~~ legislature, and rules of the state fire marshal, when undertaking any enforcement

1 action pertaining to buildings, structures and premises owned or leased by the state or its
 2 political subdivisions.

3 (3) For the purposes of sections 41-253 through 41-269, Idaho Code, the "International
 4 Fire Code" shall mean the publications as adopted under subsection (1) of this section.

5 SECTION 2. That Chapter 2, Title 41, Idaho Code, be, and the same is hereby amended
 6 by the addition thereto of a NEW SECTION, to be known and designated as Section 41-253A,
 7 Idaho Code, and to read as follows:

8 41-253A. ELIGIBILITY REQUIREMENTS FOR STATE FIRE MARSHAL. No person
 9 shall be eligible to serve as state fire marshal unless he:

10 (1) Has had at least twelve (12) years of full-time paid experience with a state, city
 11 or county fire protection agency whose primary function is fire prevention and structural fire
 12 safety, including at least five (5) years of experience in an administrative capacity as the chief
 13 agency officer;

14 (2) Holds a four (4) year college degree in one (1) of the physical sciences and has had
 15 at least five (5) years of full-time experience in fire protection and structural fire safety with a
 16 fire protection agency; or

17 (3) Is a member of the American society of fire protection engineers.

18 SECTION 3. That Section 41-254, Idaho Code, be, and the same is hereby amended to
 19 read as follows:

20 41-254. POWERS AND DUTIES OF STATE FIRE MARSHAL – INTERNATIONAL
 21 FIRE CODE, ENFORCEMENT AND REGULATIONS – REPORTS. The state fire marshal
 22 shall be appointed by the director of the department of insurance, with the approval of the
 23 governor and shall serve at the pleasure of the director. The state fire marshal shall have the
 24 following powers and duties over buildings, structures and premises owned or leased by the
 25 state or its political subdivisions:

26 ~~(1-)~~ To enforce the international fire code.

27 ~~(2-)~~ To prescribe regulations in addition to the international fire code as adopted, which
 28 may be deemed necessary for the prevention of fires and protection of life and property, and
 29 such regulations are to be enforced by the state fire marshal.

30 ~~(3-)~~ To make interpretations and rules of the intent of the various provisions of the
 31 international fire code as adopted.

32 ~~(4-)~~ To adopt, rescind, modify or amend rules and regulations for the exercise of
 33 functional powers and duties.

34 ~~(5-)~~ ~~To transmit to the governor and legislature, on or before the 15th day of July of~~
 35 ~~every year, a full report of proceedings under sections 41 253 through 41 269, Idaho Code, and~~
 36 ~~such statistics as he may wish to include therein unless some other time for reporting is fixed~~
 37 ~~by law, and such report shall be available to the public.~~

38 ~~6-~~ To make recommendations for amendments to the international fire code to be
 39 submitted to the promulgating authority for its consideration.

40 ~~7-(6)~~ To have exclusive jurisdiction over single service integrated fire sprinkler systems.
 41 A "single service integrated fire sprinkler system" is defined as an integrated system of
 42 underground and overhead piping, valves and sprinklers used exclusively for fire protection
 43 purposes and designed in accordance with fire protection engineering standards, including the

international fire code, beginning with the first connection to a public water system regardless of the existence or location of a back flow prevention device.

~~8. No person shall be eligible to serve as state fire marshal unless he:~~

~~(a) Has had at least twelve (12) years' full time paid experience with a state, city or county fire protection agency whose primary function is fire prevention and structural fire safety, including at least five (5) years' experience in an administrative capacity as the chief agency officer; or~~

~~(b) Holds a four (4) year college degree in one of the physical sciences and has had at least five (5) years' full time experience in fire protection and structural fire safety with a fire protection agency; or~~

~~(c) Is a member of the American society of fire protection engineers.~~

SECTION 4. That Section 41-255, Idaho Code, be, and the same is hereby amended to read as follows:

41-255. DUTIES OF STATE FIRE MARSHAL. In addition to the duties prescribed in section 41-254, Idaho Code, the state fire marshal shall:

(1) Administer and enforce this act.

(2) Appoint, employ and discharge such deputies and other employees as in his judgment may be necessary, control their powers, prescribe their duties, and fix their compensation.

(3) Keep books, records and accounts, which shall be open to inspection and audit by the state of Idaho at all times.

(4) Purchase necessary equipment and supplies, and incur any other reasonable and necessary expense in connection with or required for the purpose of carrying out the provisions of this act.

(5) Maintain in his office a record of all fires occurring in the state, and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance, and if so, in what amount. All such records shall be public, except any testimony taken in an investigation under the provisions of this act which the state fire marshal in his discretion may withhold from the public.

(6) Establish by rule uniform training provisions for all persons acting as assistants to the state fire marshal as provided in section 41-256, Idaho Code.

(7) Transmit to the governor and the legislature, on or before the 15th day of July of every year, a full report of proceedings under sections 41-253 through 41-269, Idaho Code, and such statistics as he may wish to include therein unless some other time for reporting is fixed by law, and such report shall be available to the public.

SECTION 5. That Section 41-259, Idaho Code, be, and the same is hereby amended to read as follows:

41-259. INSPECTION OF BUILDINGS – ORDER OF REMEDY OR REMOVAL – SERVICE OF ORDER. (1) The state fire marshal, his deputies or assistants, upon the written and signed complaint of any person relating to buildings, structures and premises owned or leased by the state or its political subdivisions, or whenever he or they shall deem it necessary to inspect buildings, structures and premises owned or leased by the state or its political subdivisions, may at reasonable hours inspect such buildings, structures and premises

1 owned or leased by the state or its political subdivisions within ~~their~~ his jurisdiction, upon
2 the presentation of proper credentials, except the interior of private dwellings, private garages
3 appertaining to such residences, or buildings on farms of more than five (5) acres.

4 (2) Counties and cities may contract with the state fire marshal to provide inspections
5 upon request consistent with the limitations and procedures of this section.

6 (3) Whenever any of said officers shall find that any building or other structure which,
7 for want of repairs, or lack of or insufficient fire escapes, automatic or other fire alarm
8 apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or due
9 to violation of the International Fire Code or from any other cause, is especially liable to fire,
10 and is so situated as to endanger life, other buildings or structures or said building or structure,
11 he or they shall order the same to be remedied or removed, and such order shall forthwith be
12 complied with by the owner or occupant of such premises or buildings, unless said owner or
13 occupant avail himself of the appeals procedure set forth in this act.

14 (4) The service of any such order shall be made upon the owner or occupant either by
15 delivering to and leaving with the said person a true copy of the said order, or, by mailing
16 such copy to the owner or occupant's last known address. All mailings shall be registered or
17 certified, with return receipt.